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9 Attorneys for Plaintiff
10 GENES INDUSTRY, INC.

11
12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA
14

15 GENES INDUSTRY, INC., a California
16 corporation,

17 Plaintiff,

18 vs.

19 CUSTOM BLINDS AND
20 COMPONENTS, INC., a California
21 corporation,

22 Defendant.

23
24 AND RELATED COUNTERCLAIMS
25
26
27
28

Case No.: 8:15-CV-00476-AG-E

[The Hon. Andrew J. Guilford]

**DECLARATION OF SEAN M.
KNEAFSEY IN SUPPORT OF
PLAINTIFF'S MOTION FOR
ENHANCED DAMAGES AND
ATTORNEYS FEES**

Date: December 18, 2017
Time: 10:00 a.m.
Courtroom: 10D

1 I, Sean M. Kneafsey, declare:

2 1. I am a partner with The Kneafsey Firm, Inc., attorneys for Plaintiff and
3 Counter-Defendant Genes Industry, Inc. I am over the age of eighteen and have
4 personal knowledge of the matters stated herein and if called, I would and could
5 testify to the same.

6 2. Exhibit 2 is a true and correct copy of Trial Exhibit 2 admitted into
7 evidence in this action.

8 3. Exhibit 21 is a true and correct copy of excerpts from Trial Exhibit 21
9 admitted into evidence in this action.

10 4. Exhibit 35 is a true and correct copy of Trial Exhibit 35 admitted into
11 evidence in this action.

12 5. Exhibit 37 Exhibit 2 is a true and correct copy of Trial Exhibit 2
13 admitted into evidence in this action.

14 6. Exhibit 38 is a true and correct copy of Trial Exhibit 38 admitted into
15 evidence in this action.

16 7. Exhibit 39 is a true and correct copy of Trial Exhibit 39 admitted into
17 evidence in this action.

18 8. Exhibit 2 is a true and correct copy of Trial Exhibit 2 admitted into
19 evidence in this action.

20 9. Exhibit 59 is a true and correct copy of Trial Exhibit 59 admitted into
21 evidence in this action.

22 10. Exhibit 35 is a true and correct copy of Trial Exhibit 35 admitted into
23 evidence in this action.

24 11. Exhibit 62 is a true and correct copy of Trial Exhibit 62 admitted into
25 evidence in this action.

26 12. Exhibit 63 is a true and correct copy of Trial Exhibit 63 admitted into
27 evidence in this action.

1 13. Exhibit 64 is a true and correct copy of Trial Exhibit 64 admitted into
2 evidence in this action.

3 14. Exhibit 65 is a true and correct copy of Trial Exhibit 65 admitted into
4 evidence in this action.

5 15. Exhibit 66 is a true and correct copy of Trial Exhibit 66 admitted into
6 evidence in this action.

7 16. Exhibit 67 is a true and correct copy of Trial Exhibit 67 admitted into
8 evidence in this action.

9 17. Exhibit 68 is a true and correct copy of Trial Exhibit 68 admitted into
10 evidence in this action.

11 18. Exhibit 69 is a true and correct copy of Trial Exhibit 69 admitted into
12 evidence in this action.

13 19. Exhibit 72 is a true and correct copy of Trial Exhibit 72 admitted into
14 evidence in this action.

15 20. Exhibit 73 is a true and correct copy of Trial Exhibit 73 admitted into
16 evidence in this action.

17 21. Exhibit 74 is a true and correct copy of Trial Exhibit 74 admitted into
18 evidence in this action.

19 22. Exhibit 75 is a true and correct copy of Trial Exhibit 75 admitted into
20 evidence in this action.

21 23. Exhibit 76 is a true and correct copy of Trial Exhibit 76 admitted into
22 evidence in this action.

23 24. Exhibit 77 is a true and correct copy of Trial Exhibit 77 admitted into
24 evidence in this action.

25 25. Exhibit 78 is a true and correct copy of Trial Exhibit 78 admitted into
26 evidence in this action.

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1 26. Exhibit 79 is a true and correct copy of Trial Exhibit 79 admitted into
2 evidence in this action.

3 27. Exhibit 80 is a true and correct copy of Trial Exhibit 80 admitted into
4 evidence in this action.

5 28. Exhibit 81 is a true and correct copy of Trial Exhibit 81 admitted into
6 evidence in this action.

7 29. Exhibit 82 is a true and correct copy of Trial Exhibit 82 admitted into
8 evidence in this action.

9 30. Exhibit 90 is a true and correct copy of Trial Exhibit 90 admitted into
10 evidence in this action.

11 31. Exhibit 200 is a true and correct copy of excerpts of the trial transcript
12 for Trial Day 1, Volume 2, on October 3, 2017.

13 32. Exhibit 201 is a true and correct copy of experts of the trial transcript
14 for Trial Day 2, Volume 1, on October 4, 2017.

15 33. Exhibit 202 is a true and correct copy of excerpts of Trial Day 2,
16 Volume 2, on October 4, 2017.

17 34. Exhibit 203 is a true and correct copy of excerpts of Trial Day 3,
18 Volume 1, on October 5, 2017.

19 35. Exhibit 204 is a true and correct copy of excerpts of the Deposition of
20 Weil Liu which was played at trial in this action.

21 36. Exhibit 205 is a true and correct copy of the summary of the fees and
22 costs incurred by Genes in this action.

23 37. Exhibit 206 is a true and copy of a summary of the fees and costs
24 charged by The Kneafsey Firm in the above referenced action.

25 38. Exhibit 207 is a true and correct copy of The Kneafsey Firm Invoices –
26 Part One with certain entries redacted for privacy and privilege.

1 39. Exhibit 208 is a true and correct copy of The Kneafsey Firm Invoices --
2 - Part Two with certain entries redacted for privacy and privilege.

3 40. Exhibit 209 is a true and correct copy of invoices from the Law Offices
4 of Michael Chen. Mr. Chen is admitted to practice before the United States Patent
5 Office and speaks fluent Mandarin and whose assistance was necessary in my
6 prosecution of this matter. Mr. Chen has a B.S., M.S. in Chemical Engineering and
7 is a graduate of the University of Denver, Sturm College of Law.

8 41. Exhibit 210 is a true and correct copy of the invoices of Dr. James Rice
9 who testified at trial in this matter.

10 42. Exhibit 211 is a true and correct copy of the invoices of Dr. Jules
11 Kamin who testified in trial in this matter.

12 43. Exhibit 212 is the current 2015-2016 USAO Attorney's Fees Laffey
13 Matrix, which is used by the Department of Justice and is publicly available at
14 <https://www.justice.gov/usao-dc/file/796471/download>.

15 44. The current AIPLA report is contained at www.aipla.org, AIPLA,
16 *Report of the Economic Survey 2015* (Association Research, Inc.), p. 40.

17 45. I was admitted to the State Bar of California in 1995. I have been
18 practicing in the area of civil litigation for over 20 years and have been practicing in
19 the area of patent litigation for 17 years since the year 2000. I am the former
20 President of the Los Angeles Intellectual Property Association. I am the founder of
21 The Kneafsey Firm, Inc., and my former firm, Kneafsey & Friend LLP. I am
22 admitted to practice in all state and federal courts in California. I have been
23 admitted pro hac vice to practice in many different federal courts, including the U.S.
24 District Courts for the Northern District of Illinois, Eastern District of Texas, and
25 District of Minnesota. I was previously associated with other firms, including
26 Kneafsey & Friend LLP (2007-2016), Cathcart Collins & Kneafsey LLP (2004-
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1 2007), Hennigan, Bennett & Dorman LLP (2000-2003), Hancock Rothert &
2 Bunshoft LLP, (1997-2000) and Gassett, Perry & Frank (1994-1997).

3 46. Joyce J. Cho was admitted to the State Bar of California in 2008. She
4 is an associate attorney with The Kneafsey Firm, Inc., and has nine (9) years of
5 experience. She primarily represents individuals and businesses in commercial, real
6 estate, employment, and intellectual property disputes and general breach of contract
7 matters. Ms. Cho's intellectual property experience includes litigating patent,
8 copyright, and trademark matters both for plaintiffs and defendants. Her general
9 commercial and real estate litigation experience includes litigating business contract
10 disputes, corporate fraud and alter ego actions, and commercial and residential
11 unlawful detainer actions for both landlords and tenants. Ms. Cho also has
12 experience defending businesses against wage and hour actions and access
13 discrimination claims under the Americans with Disabilities Act (ADA Title II and
14 III), as well as representing employees in wage and hour, sexual harassment, and
15 wrongful termination actions against employers. In addition to litigation, Ms. Cho
16 has transactional experience drafting contracts such as business purchase and sale
17 agreements and lease agreements. She also handles trademark prosecution,
18 registration and maintenance with the United States Patent and Trademark Office
19 (USPTO), and personal injury and bankruptcy matters. Ms. Cho received her J.D.
20 from Loyola Law School. She graduated magna cum laude from the University of
21 California, Los Angeles where she received her undergraduate degree in History
22 with a minor in East Asian Languages and Cultures. Ms. Cho is fluent in Korean
23 and is an officer and director of the Korean Community Lawyers Association.

24 47. Kurt A. Dreibholz is a senior counsel with The Kneafsey Firm, Inc.,
25 and has seventeen (17) years of experience. Mr. Dreibholz focuses on business,
26 commercial, employment and real estate litigation in state, federal and bankruptcy
27 courts. He divides his time equally between state and federal court, and between
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1 prosecuting and defending claims. Mr. Dreibholz's intellectual property experience
2 includes litigating patent, copyright, and trademark matters both for plaintiffs and
3 defendants. Mr. Dreibholz has also handled trademark registrations with the United
4 States Patent and Trademark Office. He has prosecuted and defended claims
5 involving the Uniform Commercial Code, the Song-Beverly Consumer Warranty
6 Act, the Unfair Competition Law, the Computer Fraud and Abuse Act,
7 misappropriation of trade secret, fraud, breach of contract, intentional interference
8 with contractual relations, breach of fiduciary duty, alter ego, and false advertising.
9 He represented clients in other disputes involving real estate transactions,
10 commercial leases, and the dissolution and winding up of small companies. Mr.
11 Dreibholz has also represented international air carriers, motor carriers, shippers and
12 leasing companies in cases involving mass air disasters, leasing and financing,
13 lessor and lender liability and the application of the Warsaw and Montreal
14 Conventions, the Death on the High Seas Act, the Hague Convention and the
15 Foreign Sovereign Immunities Act. Mr. Dreibholz was previously associated with
16 the internationally- and nationally-recognized law firms of Clyde & Co. LLP and
17 Morris Polich & Purdy LLP (now Clark Hill, LLP). Mr. Dreibholz graduated from
18 Boston College, Université de Paris-Sorbonne, and Albany Law School of Union
19 University. Mr. Dreibholz was recognized as a Southern California Super Lawyer
20 Rising Star in 2009, 2010 and 2011.

21 I declare under penalty of perjury under the laws of the United States of
22 America that the foregoing is true and correct and that this declaration was executed
23 on the date indicated below in Los Angeles, California.

24
25 DATED: November 20, 2017 */s/ Sean M. Kneafsey*

26 _____
27 Sean M. Kneafsey
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